

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

STEVEN LUKOWICH,

Petitioner,

v.

MR. PATRICK, SUPERINTENDENT,
SCI HOUTZDALE, et al.,

Respondents.

Civil Action No. 08-143 Erie

MEMORANDUM ORDER

This habeas corpus action was received by the Clerk of Court on May 9, 2008 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 15], filed on January 11, 2011, recommended that Petitioner's Petition be denied and that a certificate of appealability be denied. The parties were allowed fourteen (14) days from the date of service to file objections. Service was made on Petitioner by certified mail and on Respondent. Petitioner filed objections on January 31, 2011 [ECF No. 16]. After de novo review of the petition and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 7th day of February, 2011;

IT IS HEREBY ORDERED that the Petitioner's Petition for Writ of Habeas Corpus is DENIED and a certificate of appealability is DENIED.

The Report and Recommendation [ECF No. 15] of Magistrate Judge Baxter, filed on January 11, 2011, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge